

Application No. 10/578,910  
Amendment dated April 2, 2008  
Reply to Office Action of January 2, 2008

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**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to Figures 1 and 2. These sheets replace the original sheet including those same Figures.

Figures 1 and 2 have been labeled as "BACKGROUND ART" as described in the specification of the present application.

Attachment:      Replacement sheets

**REMARKS**

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Claims 11-22 are now present in this application, of which claims 11 and 20-22 are independent. By this amendment, Figures 1 and 2 have been amended, claims 11-13, 15, and 17-19 have been amended, claims 1-10 have been cancelled, without prejudice or disclaimer, and claims 20-22 have been added.

Reconsideration of this application, as amended, is respectfully requested.

**Priority Under 35 U.S.C. § 119**

The Examiner has not acknowledged Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document. Acknowledgment thereof by the Examiner in the next Office Action is respectfully requested.

**Information Disclosure Citation**

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed May 12, 2006, and for providing Applicants with an initialed copy of the PTO-SB08 form filed therewith.

**Election of Species Requirement**

The Examiner has made the Election of Species Requirement final, and has withdrawn claims 1-10 from further consideration. In order to advance prosecution, Applicants have cancelled these non-elected claims, but reserves the right to pursue these cancelled claims in a divisional application.

Newly added claims 20-22 read on the elected species.

**Objection to the Drawings**

The Examiner has objected to the drawings because Figure 1 should be designated by a legend because only that which is old is illustrated. It also appears that the Office Action intended to include Figure 2 under the same objection.

In order to overcome this objection, Applicants are concurrently submitting Replacement Drawing Sheets for the Examiner's approval, which address each of the deficiencies pointed out by the Examiner. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

**Rejections under 35 U.S.C. §103**

Claims 11-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Hashiguchi. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 11 has been amended to recite a combination of elements in a vibration motor including a contact spring having "a support portion", "a first intermediate portion having one end extending from the support portion", "a first bent portion extending from the end of the first intermediate portion opposite the end at the support portion", "a second intermediate portion having one end extending from the first bent portion, the second intermediate portion overlying and being spaced from the first intermediate portion", "a second bent portion extending from the end of the second intermediate portion opposite the first bent portion", "a third intermediate portion having one end extending from the second bent portion, the third intermediate portion overlying and being spaced from the second intermediate portion", "a third bent portion extending from the end of the third intermediate portion opposite the second bent portion", and "a contact portion having one end extending from the third bent portion, the contact portion electrically connected to an external power supply terminal." Applicants respectfully submit that this combination of elements

as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record, including Hashiguchi.

The Examiner states that alleged admitted prior art Figures 1 and 2 disclose substantially the claimed vibration motor, but that the contact spring 10 lacks two bent portions. The Examiner further alleges that Hashiguchi discloses a contact spring 3 including two bent portions 3a and that it would have been obvious to modify Figures 1 and 2 to include two bent portions to provide much better resiliency for the contact spring shown in Figures 1 and 2.

At the outset, no admission has been made by Applicants that Figures 1 and 2 qualify as statutory prior art usable in a rejection of the claims of the present application. Instead, Applicants have labeled Figures 2 as "Background Art" to distinguish Applicants' invention from that which is not Applicants' invention. If a drawing figure illustrates only material which is known to be statutory prior art to the invention, then the use of the phrase --Prior Art-- in the drawing figure would be proper. However, if it is not clear whether such material is statutory prior art, then the use of the phrase --Prior Art-- in the drawing figures would not be proper, and a label such as "Background Art" would be more appropriate to distinguish Applicants' invention from that which is not Applicants' invention.

Furthermore, claim 11, as amended, requires three bent portions connected by intermediate portions and that the intermediate portions overly and are spaced from each other. Both the contact spring 10 of Figures 1 and 2 of the present application and the contact spring 3 of Hashiguchi fail to show this configuration. Therefore, even if one of ordinary skill in the art were to modify the contact spring 10 of Figures 1 and 2 of the present application as taught by Hashiguchi, the hypothetical combination would fail to provide the invention set forth in claim 11.

With regard to dependent claims 12-19, Applicants submit that claims 12-19 depend, either directly or indirectly, from independent claim 11, which is allowable for the reasons set forth above, and therefore claims 12-19 are allowable based on their dependence from claim 11. Reconsideration and allowance thereof are respectfully requested.

**Claims 20-22**

Claims 20-22 have been added for the Examiner's consideration.

Each of the independent claims 20-22 substantially correspond to original claims 13, 15, and 19, respectively. Applicants respectfully submit that this combination of elements as set forth in each of the independent claims 20-22 is not disclosed or made obvious by the prior art of record. Particularly, the Examiner alleged that the subject matter of dependent claims 13, 15, and 19 were related to "matter of obvious contact spring design which is well known or non-critical features" over the contact spring 10 of Figures 1 and 2."

Applicants respectfully disagree. Each of the claimed configurations provides a further improvement in the contact spring and therefore they can be hardly called non-critical features. In particular, Applicants draw the Examiner's attention to page 10, line 22 to page 11, line 10 regarding the subject matter of claim 20; Applicants draw the Examiner's attention to page 11, line 11 to page 12, line 2 regarding the subject matter of claim 15; and Applicants draw the Examiner's attention to page 12, lines 3-23 regarding the subject matter of claim 22.

Consideration and allowance of claims 20-22 are respectfully requested.

**Additional Cited References**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

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If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 2, 2008

Respectfully submitted,

By James T. Eller, Jr.

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Attachments